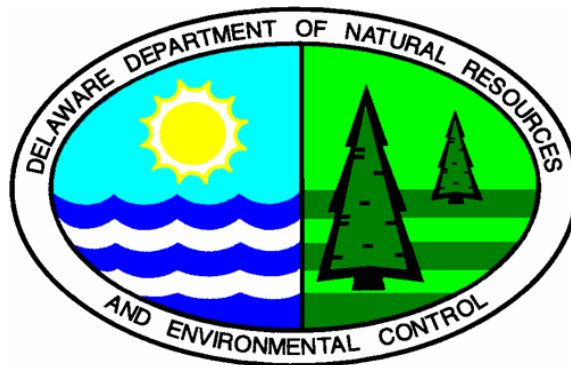


# ***DELAWARE BROWNFIELD BASICS WORKSHOP***

**Department of Natural Resources  
and Environmental Control**

**Division of Waste and Hazardous  
Substances**



***June 2019***

# *State of Delaware*

## ***BROWNFIELD PROGRAM PURPOSE***

- Cleanup the environmental contamination
- Provide incentives for redevelopment
- Preserve Open and Green Space





# *OBSTACLES TO REDEVELOPMENT*

- Uncertainty in Cleanup Process
- Cost of Investigation/Remediation
- Time to Complete Environmental Process
- Liability Fears



# *SOLUTIONS*

- Liability Protection
- Funding for investigation and cleanup
- Streamlined and effective cleanup program



# ***DEFINITION OF A DELAWARE BROWNFIELD***

“Brownfield means real property, the expansion, redevelopment, or reuse of which may be hindered by the *reasonably held belief* that the real property may be contaminated.”

7 Del. C., Chapter 91

<http://www.delcode.delaware.gov/title7/c091/sc01/index.shtml>



## *Industrial sites, Gas Stations, Landfills*



## *Shooting ranges, Salvage Yards, Drycleaners*



## ***BROWNFIELD CRITERIA***

- Reasonable Belief there may be environmental contamination
- Current property owner must allow access
- Cannot be on EPA National Priority List (NPL)
- Cannot be subject to a government enforcement action



# *Harper-Thiel Industrial site 65 years*



Excavated area prior to dewatering



*Wilmington Brew Works*





*Foulk Road  
Wilmington*





## ***BROWNFIELD DEVELOPER CRITERIA***

- Responsible Party/Property Owner *cannot* be a BF Developer
- There cannot be a contractual or familial relationship between the Brownfield Developer and the Property Owner

***TITLE BEFORE BDA =***



*Operations/Business Activities  
occurring on the site\**



*\*May request DNREC approval for continuing operations at time of Brownfield certification*





# ***BROWNFIELD PROCESS***

<http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/Flow%20Chart%20Vertical.pdf>

- ✓ Identify potential site/Contact Owner
- ✓ DNREC Application
- ✓ DNREC certifies Site and Developer
- ✓ Developer Signs Brownfield Development Agreement (BDA)
- ✓ HSCA Certified Consultant completes Brownfield Investigation
- ✓ Report sent to DNREC
- ✓ Brownfield Developer can decide to take title and complete remediation OR walk away with no liability (if they have not taken ownership)



# ***BROWNFIELD PROCESS***

## Summarized Version, continued

- ✓ BF Developer takes *title* to property (no remediation financing is available until this step is complete)
- ✓ BF Developer (now owner) submits *Proposed and Final plans* for remediation
- ✓ BF Developer implements and *completes remediation*
- ✓ *Certificate of completion of remedy* (COCR) is issued
- ✓ *Development* of property
- ✓ Possible *long term stewardship* (O&M, environmental covenants)



# ***Brownfield Development Program Funding***

## **Non-Profits and Municipalities and State Government Agencies:\***

- \$625,000 Maximum for investigative, remedial and Dept oversight costs:
  - \$500,000 reimbursed on a dollar for dollar basis
  - \$125,000 reimbursed on a fifty cents to the dollar basis

## **For Profit Entities:\***

- \$200,000 Maximum for investigative, remedial and Dept oversight costs:
  - \$125,000 reimbursed on a dollar for dollar basis
  - \$ 75,000 reimbursed on a fifty cents to the dollar basis
  
- \*Additional \$ 75,000 for groundwater contamination investigative, remedial and Dept oversight costs available to all
  - \$ 60,000 reimbursed on a dollar for dollar basis
  - \$ 15,000 reimbursed on fifty cents to the dollar basis



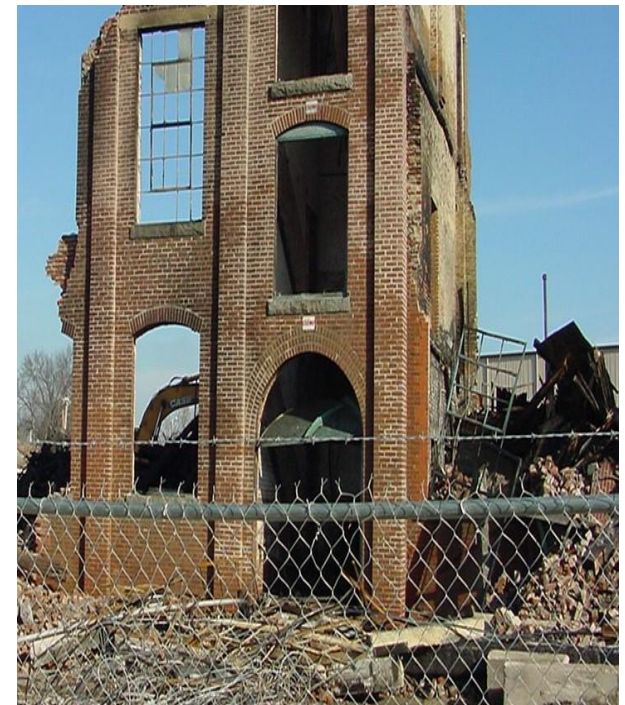
Collaboration=Success





*Speakman  
Company –  
1906  
30<sup>th</sup> & Spruce  
Wilmington*

RIVERVIEW PLANT  
SPEAKMAN COMPANY - WILMINGTON, DELAWARE  
Where Speakman Showers and Fixtures are made





*Speakman Place Townhomes*





*Thatcher Street*





*Thatcher Street – Habitat for Humanity*





***Fox Point State Park***





# Brownfield Marketplace

- Database

- Already certified Brownfield sites
- Potential Brownfield sites, not yet certified

<http://apps.dnrec.state.de.us/BFExt/BFExtMain.aspx>

Contact Melissa Leckie, 302-395-2600



# *Delaware Brownfield Documents*

Brownfield Application:

[http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/BF\\_Cert\\_App.pdf](http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/BF_Cert_App.pdf)

HSCA Policy on Brownfields Grants:

<http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/BFGPolicy.pdf>

Brownfield Grant Eligible Expenses Guidance:

<http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/BFGExpenseGuidance.pdf>



# Brownfield Revolving Loan Fund

## ■ Brownfield Revolving Loan Fund Guide

– <http://www.dnrec.delaware.gov/dwhs/SIRB/Documents/final%20BRLF%20updated%20041918.pdf>

- Must be a certified Brownfield site
  - Borrower can be any legal entity authorized to incur debt
  - Must enter into a note, mortgage, guarantee
  - Cannot have caused or contributed to the contamination
- 
- Loan amounts \$10,000-\$400,000





# Funding Resources- DNREC

## Delaware DNREC, Division of Climate, Coastal and Energy

- <https://dnrec.alpha.delaware.gov/climate-coastal-energy/clean-transportation/ev-charging-equipment-rebates/>
  - Electric charging station rebate program
- <http://www.dnrec.delaware.gov/energy/Pages/Delaware-Alternative-Fueling-Infrastructure-Grants.aspx>
  - Alternative Fueling Infrastructure Grant Program
- <https://dnrec.alpha.delaware.gov/climate-coastal-energy/sustainable-communities/sustainable-planning/>
  - Sustainable Planning



# Funding Resources- DNREC

- Delaware DNREC, Division of Air Quality, VW Mitigation Plan  
<https://dnrec.alpha.delaware.gov/air/mobile-sources/vw-mitigation-plan/>
- Delaware DNREC, Division of Watershed Stewardship, Surface Water Planning Grants  
<https://dnrec.alpha.delaware.gov/environmental-finance/surface-water-planning-grants/>



# Complete Communities Toolbox

Institute for Public Administration, U of D

<https://www.completecommunitiesde.org/planning/ddfrc/>

Delaware Database for Funding Resilient Communities:

<https://www.bidenschool.udel.edu/research-public-service/ddfrc>

Filters:

- Type of assistance offered (grant, loan, etc.)
- Project scope (land acquisition, energy efficiency retrofits, etc.)
- Amount of financial assistance available
- Whether or not matching funds are required



# Tax Credits

## ■ Delaware Tax Credit Programs

- <https://revenue.delaware.gov/contact-information/>
- <https://business.delaware.gov/incentives/>
  - New Business Facility Tax Credit
  - New Economy Jobs Tax Credit
  - Research and Development Tax Credit
  - Green Industries/Brownfield Tax Credit
  - Land and Historic Resource Conservation Tax Credit
  - Historic Preservation Tax Credit
  - Neighborhood Assistance Tax Credit
  - Business Finder's Fee Tax Credit
  - Vocational Rehabilitation Hiring Tax Credit
  - Delaware Historic Preservation Tax Credit Program

## *Applications and Information:*

<http://www.dnrec.delaware.gov/dwhs/SIRB/Pages/Brownfields.aspx>

## *Contact:*

**Jill Williams-Hall**

**302-395-2600**





